

1 Bradley S. Keller, WSBA #10665
2 Ralph E. Cromwell, Jr., WSBA #11784
3 Jofrey M. McWilliam, WSBA #28441
4 Byrnes Keller Cromwell LLP
5 1000 Second Avenue, 38th Floor
6 Seattle, WA 98104
7 (206) 622-2000
8 Facsimile No.: (206) 622-2522

9
10 Attorneys for Perkins Coie LLP

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In Re:

GIGA WATT, INC., a Washington corporation,

Debtor.

MARK D. WALDRON, as Chapter 7 Trustee,

Plaintiff,

vs.

PERKINS COIE, LLP, a Washington limited liability partnership; LOWELL NESS, individual and California resident; GIGA WATT PTE., LTD. a Singapore corporation; and ANDREY KUZENNY, a citizen of the Russian Federation;

Defendants

and

THE GIGA WATT PROJECT, a partnership,

Nominal defendant.

The Honorable Frederick P. Corbit
Chapter: 7

No. 18-03197-FPC11

The Honorable Frederick P. Corbit

CHAPTER 7

Adv. Case No. 20-80031

**JOINT STIPULATED MOTION
REGARDING CASE
SCHEDULE**

**12/6/2021
WITHOUT ORAL ARGUMENT**

STIPULATED MOTION REGARDING
CASE SCHEDULE - 1

BYRNES ♦ KELLER ♦ CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

1
2 **I. STIPULATED MOTION**
3

4 The parties, through their below signed counsel of record, stipulate and request
5 that the case schedule in this matter be adjusted by continuing, for 90 days, all case
6 schedule deadlines currently in effect, to allow additional time for discovery. The
7 parties have met and conferred in good faith concerning the present Case Scheduling
8 Order (ECF No. 73) and stipulate that good cause exists to extend all dates and
9 deadlines in the Scheduling Order by 90 days.
10

11 In this regard, the Trustee has produced approximately 125,000 pages of
12 documents which require considerable time to review. In addition, defendants are in
13 the process of subpoenaing financial records from third parties in numerous
14 jurisdictions who provided business or accounting services to the debtor. The parties
15 have outstanding, written discovery, and there have been complications in scheduling
16 depositions. Given the factual complexity of this matter, the impending holidays, and
17 other scheduling issues, the parties believe it would be helpful to all concerned to
18 allow additional time.
19

20 The current case schedule is contained in ECF No. 73. The parties hereby
21 agree, subject to court approval, to move all dates in that Order by 90 days as follows:
22

- 23 1. Fact discovery completed by March 31, 2022;
- 24 2. Opening expert reports by April 29, 2022; rebuttal expert
25 reports by June 22, 2022; expert depositions by July 15,
26 2022;
- 27 3. All fact and expert discovery completed by July 15, 2022;
- 28 4. Last day to amend pleadings or join additional parties
29 November 2, 2022;
- 30 5. Serve and file preliminary witness lists by August 15, 2022;

6. Proposed pre-trial order by October 3, 2022;
 7. Pre-trial conference on October 13, 2022 at 1:30 pm (or at _____);
 8. Exchange final witness and exhibit lists by October 7, 2022;
 9. Trial on November 1, 2022 (or on _____).

II. RELIEF REQUESTED

For the foregoing reasons, the parties request that the Court grant this stipulated motion to modify and extend the case schedule deadlines by 90 days subject to the Court's calendar and availability.

**STIPULATED MOTION REGARDING
CASE SCHEDULE - 3**

BYRNES ♦ KELLER ♦ CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

1 DATED this 12th day of November, 2021.

2 Presented By:

3 BYRNES KELLER CROMWELL LLP

4 By /s/ Bradley S. Keller
5 Bradley S. Keller, WSBA #10665

6 By /s/ Ralph E. Cromwell, Jr.
7 Ralph E. Cromwell, Jr., WSBA #11784

8 By /s/ Jofrey M. McWilliam
9 Jofrey M. McWilliam, WSBA #28441
10 1000 Second Avenue, 38th Floor
11 Seattle, Washington 98104
12 206-622-2000
13 Fax: 206-622-2522
14 Email: bkeller@byrneskeller.com
15 rcromwell@byrneskeller.com
16 jmcwilliam@byrneskeller.com

17 MUNDING, P.S.

18 By /s/ John Munding
19 John Munding, WSBA #21734
20 309 E. Farwell Rd., Suite 310
21 Spokane, Washington 99218
22 509-590-3849
23 Fax: (509) 624-6155
24 Email: john@mundinglaw.com
25 *Attorneys for Perkins Coie LLP and*
26 *Lowell Ness*

POTOMAC LAW GROUP PLLC

By /s/ Pamela M. Egan
Pamela M. Egan, WSBA #54736

1905 7th Avenue W.
Seattle, WA 98119-2815
415-297-0132

Email: pegan@potomaclaw.com
Attorneys for Mark D. Waldron, Chapter
7 Trustee, Plaintiff

HUMMER BOYD PLLC

By /s/ Donald A. Boyd
Donald A. Boyd, WSBA #17376
6 S. 2nd Street, Suite 1016
Yakima, WA 989010
509-895-2500
Email: dboyd@hummerboyd.com
Attorneys for Andrey Kuzenny

GUROVICH, BERK & ASSOCIATES

By /s/ Elon Berk
Elon Berk, CSBA #209642
15250 Ventura Blvd., Suite 1220
Sherman Oaks, CA 91403
818-205-1555
Email: eberk@crimlawla.com
Attorneys for Andrey Kuzenny

STIPULATED MOTION REGARDING
CASE SCHEDULE - 4

BYRNES ♦ KELLER ♦ CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

1
2 **III. ORDER**
3
4

5 This matter having come before the Court upon the foregoing Stipulated Motion
6 of the parties, and the Court having reviewed the Stipulated Motion and the records
7 and files herein, and otherwise deeming itself fully advised, now, therefore,
8

9 ORDERS, ADJUDGES AND DECREES that the Scheduling Order for this
10 matter is adjusted as stipulated above.
11

12 DATED: _____
13
14
15
16
17
18
19
20
21
22
23
24
25
26

11

12 The Honorable Frederick P. Corbit
13 United States Bankruptcy Court Judge
14
15
16
17
18
19
20
21
22
23
24
25
26

STIPULATED MOTION REGARDING
CASE SCHEDULE - 5

BYRNES ♦ KELLER ♦ CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

1
2 CERTIFICATE OF SERVICE
3
4
5

6
7
8 I hereby certify that on this 12th day of November, 2021, I electronically filed
9 the foregoing with the Clerk of the Court using the CM/ECF System, which in turn
10 automatically generated a Notice of Electronic Filing (NEF) to all parties in the case
11 who are registered users of the CM/ECF system. The NEF for the foregoing
12 specifically identifies recipients of electronic notice.
13
14
15
16
17
18
19
20
21
22
23
24
25
26

7 By /s/ Ralph E. Cromwell, Jr.
8 Ralph E. Cromwell, Jr.
9 *Attorneys for Defendants*
10 1000 Second Avenue, 38th Floor
11 Seattle, Washington 98104
12 206-622-2000
13 Fax: 206-622-2522
14 Email: rcromwell@byrneskeller.com
15
16
17
18
19
20
21
22
23
24
25
26

STIPULATED MOTION REGARDING
CASE SCHEDULE - 6

BYRNES ♦ KELLER ♦ CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000